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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,454	06/28/2001	Ramin Amin- Sanayei	IR3569NP-PCT	4197

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EXAMINER

YOON, TAE H

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 03/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/069,454

Applicant(s)

Amin-Sanayi et al

Examiner

T. Yoon

Group Art Unit

1714

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-2/ is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-2/ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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The specification is objected since numerous pages contain illegible portions (poor quality of photocopying), and a substituted specification without any new matter is required.

Spelling correction of "deionized" in line 11, page 15 is needed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recited "ethylene co-monomer" lacks an antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being

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examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 and 20 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Maruyama et al (US 5,973,090).

Maruyama et al teach the instant fluoropolymer and method of polymerization in examples 1-4 wherein copolymers of chlorotrifluoroethylene, butyl acrylate, cyclohexyl acrylate and vinyl trimethoxysilane are seen. Various ratios of monomer (col. 2, lines 1-19) and various organosilane and functional substituents (col. 2, line 60 to col. 3, line 17) are seen. Emulsion polymerization, batch or continuous polymerization and the use of a fluoro-surfactant and pH buffer are also taught at col. 4, lines 8-28 and 41-50. Pigments such as titanium dioxide and red iron oxide taught at col. 5, lines 16-20 inherently react with the silane group of said fluoropolymer.

Thus, the instant invention lacks novelty.

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Claims 1-21 are rejected under 35 U.S.C. 103(a) as obvious over Maruyama et al (US 5,973,090) in view of Charleux et al (US 6,353,065).

The instant invention further recites disodium phosphate as a buffer agent over Maruyama et al who teach potassium carbonate. However, said disodium phosphate is the art well known buffer agent as evidenced by Charleux et al at col. 10, lines 45-50 wherein potassium carbonate is also seen.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize the art well known buffer agent, disodium phosphate, of Charleux et al in Maruyama et al since Maruyama et al teach the use of a buffer agent such as potassium carbonate. And since Charleux et al teach and equate said disodium phosphate and potassium carbonate.

Claims 1-17 and 20 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kobayashi et al (US 5,859,123).

Kobayashi et al teach the instant fluoropolymer and method of polymerization in examples 1-6 wherein copolymers of chlorotrifluoroethylene, vinyl butylate, vinyl pivalate and vinyl triethoxysilane are seen. Various ratios of monomer (col. 2, lines 29-44) and various organosilane and functional substituents (col. 3, lines 21-63) are seen. The use of a pH buffer are also taught at col. 6, lines 1-17. Silane compound taught at col. 7, lines 1-18 inherently react with the silane group of said fluoropolymer.

Thus, the instant invention lacks novelty.

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Claims 1-14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kuwamura et al (US 4,886,862), Honma et al (US 5,179,181) or Homma et al (US 4,751,114).

Kuwamura et al teach the instant fluoropolymer and method of polymerization in examples. Silane compounds which react with the silane group of said fluoropolymer is taught at col. 6, line 63 to col. 7, line 13. Honma et al (examples and col. 12, lines 43-45) and Homma et al (examples and col 8) teach the same.

Thus, the instant invention lacks novelty.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

THY/March 19, 2003



TAE H. YOON
PRIMARY EXAMINER